

JAN 26 12 52 PM '04

SUBSTITUTED TRUSTEE'S DEED463 PG 519
FILED ON CLK.

WHEREAS, on March 10, 1997, Terry L. Pogue, married and Terri Johnson, wife, executed a deed of trust to Michael A. Fearnley, resident of Shelby County, Tennessee, Trustee for the benefit of Empire Mortgage Corporation which deed of trust is recorded in Deed of Trust Book 901 at Page 783 and re-recorded in Book 907 at Page 72 in the office of the Chancery Clerk of the County of DeSoto, State of Mississippi; and

WHEREAS, the aforesaid deed of trust was assigned to Home Trust Company by instrument dated August 8, 2003 and recorded in Book 1826 at Page 246 of the records of the aforesaid Chancery Clerk; and

WHEREAS, the aforesaid deed of trust was assigned to NationsBanc Mortgage Corporation by instrument dated September 26, 2003 and recorded in Book 1842 at Page 140 of the records of the aforesaid Chancery Clerk; and

WHEREAS, by name change effective December 1, 1999 NationsBanc Mortgage Corporation became BA Mortgage, LLC (a wholly owned subsidiary of Bank of America, N.A.) successor in interest by merger of NationsBanc Mortgage Corporation; and

WHEREAS, by name change effective April 15, 2003, BA Mortgage, LLC merged with and into Bank of America, N.A.; and

WHEREAS, the aforesaid, Bank of America, N.A., the holder of said deed of trust and the note secured thereby, substituted John C. Underwood, Jr., as Trustee therein, as authorized by the terms thereof, by instrument dated October 24, 2003, and recorded in the office of the aforesaid Chancery Clerk in Book 1864 at Page 0011; and

WHEREAS, default having been made in the terms and conditions of said deed of trust and the entire debt secured thereby, having been declared to be due and payable in accordance with the terms of said deed of trust, and the legal holder of said indebtedness, Bank of America, N.A., having requested the undersigned Substituted Trustee to execute the trust and sell said land and property in accordance with the terms of said deed of trust for the purpose of raising the sums due thereunder, together with attorney's fees, Substituted Trustee's fees and expense of sale;

WHEREAS, the undersigned Substituted Trustee, after posting and publication of the Notice of Sale as required by the terms of said deed of trust and the laws of the State of Mississippi, within legal hours (being between the hours of 11:00 A.M. and 4:00 P.M.), on the 9th day of January, 2004 at public outcry offered the hereinafter described property for sale at the Main Front door of the County Courthouse at Hernando, County of DeSoto, State of Mississippi;

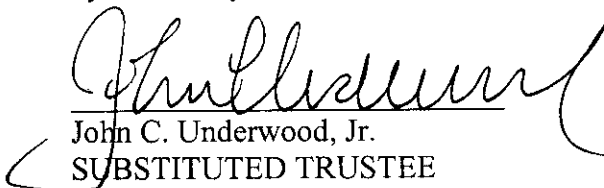
WHEREAS, at such sale, Bank of America, N.A. bid the sum of \$113,091.78; and

WHEREAS, said bid by Bank of America, N.A., was the highest bid;

NOW, THEREFORE, I, John C. Underwood, Jr., Substituted Trustee, in consideration of the sum of \$113,091.78, do hereby sell and convey unto Bank of America, N.A. the following described property located and situated in the County of DeSoto, State of Mississippi, to-wit:

Lot 255, Kingston Estates Subdivision, in Section "E" First Revision, Township 1, South, Range 8 West, Section 28, as per plat of record in Plat Book 51, Page 36, in the Chancery Court Clerk's Office of DeSoto County, Mississippi.

WITNESS MY SIGNATURE, this, the 9th day of January, 2004.



John C. Underwood, Jr.
SUBSTITUTED TRUSTEE

STATE OF MISSISSIPPI

COUNTY OF HINDS

PERSONALLY came and appeared before me, the undersigned authority in and for the county and state aforesaid, John C. Underwood, Jr. Substituted Trustee, who acknowledged to and before me that he executed the foregoing Substituted Trustee's Deed on the day and year therein mentioned, and for the purposes therein expressed.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this, the 9th day of January, 2004.


NOTARY PUBLIC

My Commission Expires: October 10, 2004

Grantor's Address:
Post Office Box 16852
Jackson, Mississippi 39236
Phone (601)-981-7773

Grantee's Address:
101 East Main Street, Ste 400
Louisville, Kentucky 40232
Phone 502-566-7289

Prepared by:
Underwood Law Firm
340 Edgewood Terrace
Jackson, Mississippi 39206
Phone (601)-981-7773

PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI
COUNTY OF DESOTO

Lisa Fuller personally appeared before me the undersigned in and for said County and State and states on oath that she is the **CLERK** of the DeSoto Times Today, a newspaper published in the town of Hernando, State and County aforesaid, and having a general circulation in said county, and that the publication of the notice, a copy of which is hereto attached, has been made in said paper 4 consecutive times, as follows, to-wit:

**SUBSTITUTED TRUSTEE'S
NOTICE OF SALE**

WHEREAS, on March 10, 1997, Terry L. Pogue, married and Terri Johnson, wife, executed a deed of trust to Michael A. Fearnley, resident of Shelby County, Tennessee, trustee for the benefit of Empire Mortgage Corporation, which deed of trust is recorded in Deed of Trust Book 901 at Page 783 and re-recorded in Book 907 at Page 72 in the office of the Chancery Clerk of the County of DeSoto, State of Mississippi; and

WHEREAS, the aforesaid deed of trust was assigned to Home Trust Company by instrument dated August 8, 2003, and recorded in the office of the aforesaid Chancery Clerk in Book 1826 at Page 246; and

WHEREAS, the aforesaid deed of trust was assigned to NationsBank Mortgage Corporation by instrument dated September 26, 2003, and recorded in the office of the aforesaid Chancery Clerk in Book 1842 at Page 140; and

WHEREAS, by name change effective December 1, 1999 NationsBank Mortgage Corporation became BA Mortgage, LLC (a wholly owned subsidiary of Bank of America, N.A.) successor in interest by merger of NationsBank Mortgage Corporation; and

WHEREAS, by name change effective April 15, 2003, BA Mortgage, LLC merged with and into Bank of America, N.A.; and

WHEREAS, the aforesaid, Bank of America, N.A., the holder of said deed of trust and the note secured thereby, substituted John C. Underwood, Jr., as

Trustee therein, as authorized by the terms thereof, by instrument dated October 24, 2003 and recorded in the office of the aforesaid Chancery Clerk in Book 1864 at Page 011; and

WHEREAS, default having been made in the terms and conditions of said deed of trust and the entire debt secured thereby, having been declared to be due and payable in accordance with the terms of said deed of trust, and the legal holder of said indebtedness, Bank of America, N.A., having requested the undersigned Substituted Trustee to execute the trust and sell said land and property in accordance with the terms of said deed of trust for the purpose of raising the sums due thereunder, together with attorney's fees, Substituted Trustee's fees and expense of sale;

295 Loshier Street -
8625 Highway

Volume No. 108 on the 16 day of Dec., 2003

Volume No. 108 on the 23 day of Dec., 2003

Volume No. 108 on the 30 day of Dec., 2003

Volume No. 109 on the 6 day of Jan., 2004

Volume No. _____ on the _____ day of _____, 2004

Lisa Fuller

Sworn to and subscribed before me, this 7 day of Jan., 2004

By *Judy H. Douglas*

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: JANUARY 16, 2005
BONDED THRU DIXIE NOTARY SERVICE, INCORPORATED

A. Single first insertion of 511 words @ .12 \$ 61.32

B. 3 subsequent insertions of 1533 words @ .10 \$ 153.30

C. Making proof of publication and depositing to same \$ 3.00

TOTAL PUBLISHER'S FEE: \$ 217.62

NOW, THEREFORE, I, John C. Underwood, Jr., Substituted Trustee, in said deed of trust, will on the 8th day of January, 2004, offer for sale at public outcry for cash to the highest bidder, and sell within legal hours (being between the hours of 11:00 A.M. and 4:00 P.M.) at the Main front door of the County Courthouse at Hernando, County of DeSoto, State of Mississippi, the following described property situated in the County of DeSoto, State of Mississippi, to-wit:

Lot 255, Kingston Estates Subdivision, in Section "E" First Revision, Township 1, South, Range 8 West, Section 28, as per plat of record in Plat Book 51, Page 36, in the Chancery Court Clerk's Office of DeSoto County, Mississippi.

I WILL CONVEY only such title as is vested in me as Substituted Trustee.

WITNESS MY SIGNATURE, this the 25th day of November, 2003.
John C. Underwood, Jr.
SUBSTITUTED TRUSTEE
Control #02091281
PUBLISH: 12/16/2003, 12/23/2003,

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38671 • 601.393.6397 • Fax: 393.6463